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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/765,891	01/18/2001	Me Van Le	155634-0012	9276

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EXAMINER

TRAN, THANG V

ART UNIT PAPER NUMBER

2653

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/765,891

Applicant(s)

VAN LE ET AL.

Examiner

Thang V. Tran

Art Unit

2653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13, 17, 21 and 32-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-12 is/are allowed.
- 6) ☒ Claim(s) 13, 17, 21 and 32-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Art Unit: 2653

In response to a communication received 05/16/05, an amendment dated 03/16/05 has been considered with the following results:

Original Patent

1. The original patent, or a statement as to loss or inaccessibility of the original patent, must be received before this reissue application can be allowed. See 37 CFR 1.178.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 13, 21, 32 and 34 are rejected under 35 U.S.C. 102(e) as being anticipated by Smith (US 5,500,776).

Smith, according to Figs. 1-8, shows a disk drive for a disk comprising all the features of the instant claimed invention as interpreted as follow:

Regarding claim 13, see Figs. 1-4 of Smith which show a disk for a hard disk drive (7) which contains a read element (6) and write element (5), wherein the disk (see Fig. 2) comprising a plurality of tracks each having a track centerline (105 or 107) and includes a dedicated track having stored thereon one or more system parameter (offset information stored in area 111 or 112) aligned with the centerline of the dedicated track. Note: The limitation of “dedicated track intended to be read first before any other ones of said plurality of tracks upon

Art Unit: 2653

powering up of the hard disk drive” is directed to an intended use of the disk with the disk drive and has nothing related to the structure of the disk as recited in claim 13. Therefore, this limitation is not considered or given any patentable weight since it is directed to the intended use of the invention.

Regarding claims 21, see Figs. 2-8 which shows system parameters (offset information) are written onto a disk (see offset information written in areas 111 and 112 in Fig. 2) of a disk drive by aligning a write element (5) of a head (7) with a centerline of a dedicated track (see Figs. 3 and 4), and the system parameters (offset information) are written onto the dedicated track (see offset information written in areas 111 and 112 shown in Fig. 2) so that the system parameters (offset information) are aligned with the dedicated track (see column 5, line 50 to column 6, line 44). Note: The limitation of “dedicated track being intended to be read first during powering up of the hard disk drive” is directed to an intended use of the disk with the disk drive and has nothing related to the method of writing a system parameter onto the disk as recited in claim 21. Therefore, this limitation is not considered or given any patentable weight since it is directed to the intended use of the invention.

Regarding claims 32 and 34, see column 5, line 50 to column 6, line 3.

4. Claims 13, 17, 21 and 32-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Valent (US 5,867,353).

Valent, according to Figs. 1 and 3-5, shows a disk drive and a disk comprising all the features of the instant claimed invention as interpreted as follow:

Regarding claim 13, see Figs. 1, 3 and 5 of Valent which show a disk (12) for a disk drive (10) that has a head (20) which contains a read element (44) and write element (46), and wherein the disk (see Fig. 5) having a plurality of tracks each of which has a track centerline CL and the tracks including a dedicated track being intended to be read first during powering up of the hard disk drive (see column 4, lines 8-20) having stored thereon one or more system parameter (50-60) aligned with the centerline (CL) of the dedicated track.

Regarding claims 17, see the rejection applied to claim 13 above and further see Fig. 1 which shows a spin motor (14) to which the disk is attached; an actuator arm (22) to which the head (20) is coupled; and a servo controller (see circuit 30) configured to read the dedicated track, as recited in claim 17 (see column 2, line 58 to column 3, lines 30).

Regarding claims 21, see Figs. 1-5 of Valent which shows a system parameters (50-60) are written on a dedicated track (see Fig. 5) by aligning a write element (46) of the head (20) with the centerline CL of the dedicated track so that the system parameter (50-60) are aligned with the centerline (CL) of the dedicated track (see column 3, lines 32-67), and the dedicated track being intended to be read first during powering up the hard disk drive (see column 4, lines 8-20).

Regarding claims 32-34, see column 3, lines 32-67.

Regarding claim 35, see Figs. 1-5 of Valent which shows a hard disk drive (see Fig. 1) having a head (20) contains a read element (44) and a write element (46), and wherein upon power up of the disk drive, the read element (44) is aligned with the centerline of the dedicated track and the system parameters (50-60) are read from the dedicated track while the read element (44) is aligned with the centerline of the dedicated track (see column 4, lines 8-20).

Regarding claim 36, see column 3, lines 32-67.

Response to Arguments

Applicant argues that both Smith and Valent merely disclose servo bursts which are not system parameters as claimed. Applicant should note that offset amounts in areas 111 and 112 in Fig. 2 of Smith are not servo bursts, but are amounts of offset interpreted as system parameters used to introduce into a servo system to re-position the read/write element. Also, calibration bits 50-60 in Fig. 5 of Valent are not servo bursts, but are calibration bits interpreted as system parameters used to generate a calibration curve used to re-position the read/write element. Clearly, the offset amounts and calibration bits disclosed by Smith and Valent respectively are not servo bursts, but are system parameters used to re-position the read/write element. Accordingly, Smith and Valent each does teach all claimed features as clearly pointed out in the rejections.

Allowable Subject Matter

5. Claims 1-12 are allowed over the prior art of record because the prior art of record, considered in combination or individually, fails to suggest or fairly teach a disk or a hard disk drive including a disk including a combination of all features as recited in claim 1, lines 4-16, in claim 5, lines 8-20, or a method for calibrating and storing offset information including a combination of step (a) to step (d) as recited in claim 9. Claims 2-4, 6-8 and 10-12 are allowed with their respective parent claim.

6. All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art

Art Unit: 2653

of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

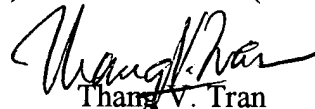
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thang V. Tran whose telephone number is (571) 272-7595. The examiner can normally be reached on M-F 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on (571) 272-7589. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2653

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Thang V. Tran
Primary Examiner
Art Unit 2653